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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,499	10/06/2003	Mark J. Buxton	42P16795	5501
59796	7590	12/05/2007		
INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER SHIH, HAOSHIAN	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,499

Applicant(s)

BUXTON ET AL.

Examiner

Haoshian Shih

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. Claims 1-31 are pending in this application and have been examined in response to application **RCE** filed on 10/22/2007.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 14 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claims 1, 14 and 19 recites: "the type of compression used is lossless" It is not clear whether lossless compression or lossy compression is described. Thus, the limitation includes subject matter that was not described in the original specification. If the examiner has overlooked the portion of the original specification that describes the feature of the present invention, then applicant should point it out (by page number and line number) in the response to this office action.

Applicant may obviate this rejection by canceling the claim.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 14 and 19 recites the limitation "the image data" in. There is insufficient antecedent basis for this limitation in the claim. No "image data" was previously mentioned.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1, 3, 5-9, 11, 12, 14,16, 18, 19, 21, 23-27, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Blume (US 2004/0056900 A1) and Callegari (US 7,076,735 B2).**

9. As to claim 1, Blume discloses a method comprising assigning a priority level to a window in a windows-based environment (fig3, 320); and compressing the image data (pg.3, [0046]; pg.4, [0057]; filtering techniques such as lowering spatial resolution,

reducing color saturation, reducing contrast, reducing level-of-details, and using lower resolution texture maps indicates that a reduction in overall size of the image data residing in the window) residing in the window if the priority level of the window falls below a predetermined threshold priority level ([0003], lines 6-7; a low priority window is a window with a predetermined threshold priority level). Blume discloses image data reducing (compress) algorithm, but Blume does not disclose the type of compression used.

In the same field of endeavor, Callegari discloses disclose the type of compression used is lossless (col.11, lines 16-17).

It would have been obvious to one of ordinary skill in the art, having the teaching of Blume and Callegari before him at the time the invention was made, to modify the prioritized window environment taught by Blume to include lossless compression taught by Callegari with the motivation being to allow computer resources to be conserved (col.3, lines 50-55). Further, the known technique of using lossless compression would have predictably resulted in reducing the size of data with out losing the absolute data content. Therefore, it would have been within the skill of the ordinary artisan to use lossless compression in response to a level of priority wherein the data size is reduced with out the possible side effect of degradation from the original data.

10. As to claim 14, see rationale addressed in the rejection of claim 1 above.

11. As to claim 19, see rationale addressed in the rejection of claim 1 above.
12. As to claims 3, 16 and 21, Blume discloses adjusting the compression ratio of the image data according to the image quality priority level ([0057], lines 12-15).
13. As to claims 5, 18 and 23, Blume discloses determining where the window resides on the desktop (fig 3, 334); determining what image content resides within the window ([0040], lines 6-7, lines 13-15; [0057], lines 6-12); and setting a priority level for the window based on the determinations (fig3, 320).
14. As to claims 6 and 24, Blume discloses determining whether the window is the active window or an inactive window ([0041], windows in focus are active windows).
15. As to claims 7 and 25, Blume discloses determining whether the window is located in the foreground or in the background ([0060], a window that is clipped 100% would be in the background).
16. As to claims 8 and 26, Blume discloses determining the percentage of the window that is visible ([0060]).

17. As to claims 11 and 29, Blume discloses determining whether the image content is not in motion relative to the display (fig3, 336).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 2, 4, 13, 15, 17, 20, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blume, Callegari and of Hiroi (US 6,384,846 B1).**

20. As to claims 2, 15 and 20, Blume and Callegari does not specifically disclose measuring the memory bandwidth requirement for a device where the windows-based environment resides; and compressing image data only if the memory bandwidth requirement for the device cannot be met using uncompressed image data for all currently open windows.

In the same field of endeavor, Hiroi discloses measuring the memory bandwidth requirement for a device where the windows-based environment resides (fig3, 308; col. 1, lines 28-30); and assign priority only if the memory bandwidth requirement for the

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device cannot be met using uncompressed image data for all currently open windows (col. 6, lines 63-65; col. 7, lines 5-6; fig. 3, 310, 312, 314, 316).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Blume and Hiroi in order to display all images when there are insufficient resources.

21. As to claims 9 and 27, Blume does not disclose whether the image content contains motion.

In the same field of endeavor, Hiroi discloses whether the image content contains motion (col.7 lines 39-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Blume and the teachings of Hiroi for the benefit of allocating and managing computer resource in an efficient manner.

22. Claims 12 and 30 are similar in scope to claim 9, and are therefore rejected under similar rationale.

23. As to claims 13 and 31, Blume does not disclose determining the size of the window in relationship to the size of the desktop.

In the same field of endeavor, Hiroi discloses determining the size of the window in relationship to the size of the desktop (fig3, 318).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Blume and Hiroi for the benefit of allocating and managing computer resource in an efficient manner.

24. Claims 4, 17 and 22 are similar in scope to claims 13 and 31, and are therefore rejected under similar rationale (the resolution of a window is associated with its size).

25. **Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blume Callegari, and of Rao (US 6,606,415 B1).**

26. As to claims 10 and 28, Blume and Callegari does not disclose determining whether the image content contains continuous-tone imagery.

In the same field of endeavor, Rao discloses determining whether the image content contains continuous-tone imagery (col. 2, lines 4-8, imagery blocks of a continuous-tone are classified as "Solids").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Blume and Rao in order to select and enforce a target compression ratio that will be capable of rendering any input imagery within the available memory limitations (Rao, col.1, lines 66 – col.2, lines 3)

Response to Arguments

27. The amendment filed 10/22/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: “the type of compression used is lossless” in claims 1 and 19.

28. Applicant argues that the compression used is lossless is inherent as disclosed in the application spec [0012].

In response to applicant’s argument, there is no disclosure regarding the quality of the viewable image in the cited spec. Further, in application spec [0016], [0017], [0019] and [0020], the applicant discloses having a compression algorithm that reduces the image quality by displaying various image artifacts from the compression.

29. Applicant's argues that Blume does not disclose the type of compression used is lossless.

In response to applicant's argument, Blume in combination with Callegari discloses adaptive compression types that includes lossless compression (Callegari, col.11, lines 16-17).

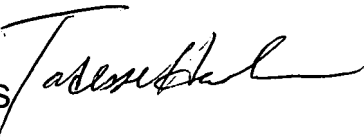
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS 

TADESSE HAILU
PRIMARY EXAMINER